

Panaji, 10th November, 1994 (Kartika 19, 1916)

SERIES II No. 32

OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note:- There are four Extraordinary issues to the Official Gazette, Series II No. 31 dated 3-11-94 as follows:

- 1) Extraordinary dated 3-11-94 from pages 489 to 490 regarding Notification from Revenue Department.
- 2) Extraordinary No. 2 dated 4-11-94 from pages 491 to 492 regarding Notifications/Corrigendum from Home (General) Department and Law (Establishment) Department (Office of the Addl. Deputy Collector, Mapusa Sub-Division).
- 3) Extraordinary No. 3 dated 8-11-94 from pages 493 to 494 regarding Notification from Education Department (Office of Returning Officer, Goa Board of Secondary Education).
- 4) Extraordinary No. 4 dated 9-11-94 from pages 495 to 496 regarding Notification from Revenue Department.

GOVERNMENT OF GOA

General Administration and Coordination Department

Notification

No. 2-1-94-GA&C-Holidays

The Government of Goa is pleased to direct that the days specified in the Annexure-I shall be observed as Holidays in all Government Offices in the State of Goa during the year, 1995 (Saka 1916-1917).

2. In addition to the Holidays specified in Annexure-I, an employee is permitted to avail himself of any 2 Holidays out of the Restricted holidays specified in Annexure-II.

3. The Government is also pleased to declare Commercial and Industrial Holidays for the Commercial and Industrial workers in Goa as specified in Annexure-III.

4. Further, in exercise of the powers conferred under explanation to Section 25 of the Negotiable Instruments Act, 1881 (Act 26 of 1881) read with Government of India, Ministry of Home Affairs Notification No. U. 11030/2/73-UTL dated 28-6-1973, the Government of Goa is also pleased to declare the days specified in the Annexure-IV to be Public Holidays (Bank Holidays) in the State of Goa.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (GA).

Panaji, 26th October, 1994.

ANNEXURE — I

List of Public Holidays for the Year, 1995

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January 26th	Magha 6, 1916	Thursday
2.	Mahashivratri	February 27th	Phalguna 8, 1916	Monday
3.	Idul Fitr	March 3rd	Phalguna 12, 1916	Friday
4.	Holi	March 17th	Phalguna 26, 1916	Friday
5.	Gudi Padva	April 1st	Chaitra 11, 1917	Saturday
6.	Good Friday	April 14th	Chaitra 24, 1917	Friday
7.	May Day	May 1st	Vaisakha 11, 1917	Monday
8.	Idul Zuha (Bakri-Id)	May 11th	Vaisakha 21, 1917	Thursday
9.	Goa Statehood Day	May 30th	Jyaistha 9, 1917	Tuesday
10.	Milad-Un-Nabi or Id-e-Milad (Birthday of Prophet Mohammad)	August 10th	Sravana 19, 1917	Thursday
11.	Independence Day	August 15th	Sravana 24, 1917	Tuesday
12.	Ganesh Chaturthi	August 29th	Bhadra 7, 1917	Tuesday
13.	Ganesh Chaturthi 2nd Day	August 30th	Bhadra 8, 1917	Wednesday
14.	Mahatma Gandhi's Birthday	October 2nd	Asvina 10, 1917	Monday
15.	Dussehra	October 3rd	Asvina 11, 1917	Tuesday
16.	Diwali	October 23rd	Kartika 1, 1917	Monday
17.	Feast of St. Francis Xavier	December 3rd	Agrahayana 12, 1917	Sunday
18.	Goa Liberation Day	December 19th	Agrahayana 28, 1917	Tuesday
19.	Christmas Day	December 25th	Pausa 4, 1917	Monday

ANNEXURE - II

List of Restricted Holidays for the Year, 1995

Sr. No.	Holidays	Date	Saka	Days of the week
1.	New Year Day	January 1st	Pausa 11, 1916	Sunday
2.	Makarsankranti	January 14th	Pausa 24, 1916	Saturday
3.	Guru Ravi Das Birthday	February 15th	Magha 26, 1916	Wednesday
4.	Ram Navmi	April 9th	Chaitra 19, 1917	Sunday
5.	Maundy Thursday/ Mahavir Jayanti	April 13th	Chaitra 23, 1917	Thursday
6.	Shivaji Jayanti	May 1st	Vaisakha 11, 1917	Monday
7.	Budha Purnima	May 14th	Vaisakha 24, 1917	Sunday
8.	Muharram	June 9th	Jyaistha 24, 1917	Friday
9.	Feast of Sacred Heart of Jesus	June 23rd	Ashada 2, 1917	Friday
10.	Narali Purnima/ Raksha Bandhan	August 10th	Sravana 19, 1917	Thursday
11.	Janmasthami	August 18th	Sravana 27, 1917	Friday
12.	Hartalika	August 28th	Bhadra 6, 1917	Monday
13.	Onam (Thiru)	September 7th	Bhadra 16, 1917	Thursday
14.	Dussehra (Maha Ashtami)	October 1st	Asvina 9, 1917	Sunday
15.	Govardhan Puja	October 24th	Kartika 2, 1917	Tuesday
16.	Bhau Bij	October 25th	Kartika 3, 1917	Wednesday
17.	All Souls Day	November 2nd	Kartika 11, 1917	Thursday
18.	Guru Nanak's Birthday	November 7th	Kartika 16, 1917	Tuesday
19.	Guru Tej Bahadur Martydom Day	November 26th	Agrahayana 5, 1917	Sunday
20.	Feast of Immaculate Conception	December 8th	Agrahayana 17, 1917	Friday
21.	Christmas Eve	December 24th	Pausa 3, 1917	Sunday
22.	New Year Eve	December 31st	Pausa 10, 1917	Sunday

ANNEXURE - III

List of Commercial & Industrial Holidays for the Year, 1995

The following days are suggested as paid holidays for Commercial and Industrial Workers in Goa for the year, 1995.

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January 26th	Magha 6, 1916	Thursday
2.	May Day	May 1st	Vaisaka 11, 1917	Monday
3.	Independence Day	August 15th	Sravana 24, 1917	Tuesday
4.	Ganesh Chaturthi	August 29th	Bhadra 8, 1917	Tuesday
5.	Mahatma Gandhi's Birthday	October 2nd	Asvina 10, 1917	Monday
6.	Diwali	October 23rd	Kartika 1, 1917	Monday
7.	Goa Liberation Day	December 19th	Agrahayana 28, 1917	Tuesday
8.	Christmas Day	December 25th	Pausa 4, 1917	Monday

According to decision communicated by Government of India, Ministry of Finance in Memorandum No. F. 8 (7) ESI (SPI) dated 7th November, 1963 Casual Employees including daily rated staff will be entitled to paid holidays if they are in service on the preceding and succeeding working day.

ANNEXURE - IV

List of Bank Holidays for the Year, 1995

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January 26th	Magha 6, 1916	Thursday
2.	Mahashivratri	February 27th	Phalguna 8, 1916	Monday
3.	Idul Fitr	March 3rd	Phalguna 12, 1916	Friday
4.	Holi	March 17th	Phalguna 26, 1916	Friday
5.	Gudi Padva	April 1st	Chaitra 11, 1917	Saturday
6.	Yearly Closing Accounts	April 3rd	Chaitra 13, 1917	Monday
7.	Good Friday	April 14th	Chaitra 24, 1917	Friday

SERIES II No. 32

10TH NOVEMBER, 1994

Sr. No.	Holidays	Date	Saka	Days of the week
8.	May Day	May 1st	Vaisakha 11, 1917	Monday
9.	Idul Zuha (Bakri-Id)	May 11th	Vaisakha 21, 1917	Thursday
10.	Goa Statehood Day	May 30th	Jyaistha 9th, 1917	Tuesday
11.	Milad-Un-Nabi or Id-e-Milad (Birthday of Prophet Mohammad)	August 10th	Sravana 19, 1917	Thursday
12.	Independence Day	August 15th	Sravana 24, 1917	Tuesday
13.	Ganesh Chaturthi	August 29th	Bhadra 7, 1917	Tuesday
14.	Ganesh Chaturthi 2nd Day	August 30th	Bhadra 8, 1917	Wednesday
15.	Half Yearly Closing	September 30th	Asvina 8, 1917	Saturday
16.	Mahatma Gandhi's Birthday	October 2nd	Asvina 10, 1917	Monday
17.	Dussehra	October 3rd	Asvina 11, 1917	Tuesday
18.	Diwali	October 23rd	Kartika 1, 1917	Monday
19.	Feast of St. Francis Xavier	December 3rd	Agrahayana 12, 1917	Sunday
20.	Goa Liberation Day	December 19th	Agrahayana 28, 1917	Tuesday
21.	Christmas Day	December 25th	Pausa 4, 1917	Monday

Notification

No. 2/1/93-GAC-Holiday

In exercise of the powers conferred under the explanation to Section 25 of the Negotiable Instruments Act, 1881 (Act 26 of 1881) delegated by the Government of India, Ministry of Home Affairs, Notification No. U. 11030/2/78-UTL dated 28-6-1973, the Government of Goa hereby declares Wednesday, the 16th November, 1994 (Kartika 25, 1916) as a Public Holiday throughout the State of Goa being the day of general elections to the Legislative Assembly for the State of Goa.

By order and in the name of the Governor of Goa.

T. J. Faleiro, Under Secretary (GA).

Panaji, 7th November, 1994.

Home (General) Department

Office of the District Magistrate, South Goa, Margao

Order

No. 38/12/94-MAG/11343

Whereas, for smooth conduct of Election there should be a peaceful atmosphere and also with a view to maintain peaceful atmosphere in the constituency and to have free, fair, peaceful and smooth conduct of the poll during the ensuing General Election to State Assemblies it is necessary to evolve model code of conduct and to consider specific violation of code it is considered necessary to form standing committee in each District.

That in pursuance of the guidelines of the Election Commission a Committee consisting of following members is hereby constituted for the purpose of smooth implementation of said provision.

- | | |
|--|--------------|
| 1. District Election Officer | ...Chairman. |
| 2. Representatives of all
Political Parties | ...Member. |
| 3. Independent Candidates | ...Member. |
| 4. Addl. Collector | ...Convener. |

The Committee will meet as often as necessary.
Dharmendra, District Election Officer, (South).
Margao, 3rd November, 1994.

Public Health Department

Order

No. 7/7/87-I/PHD

On the recommendation of Goa Public Service Commission vide its letter No. COM/I/5/24(2)/89 dated 31-8-94 Dr. (Kum) Charlotte Anne Lobo is appointed with immediate effect to the post of Public Health Dentist under Directorate of Health Services in the pay scale of Rs. 2200-75-2800-EB-100-4000 on the terms and conditions contained in the Memorandum of even number dated 20-9-94 and posted as Public Health Dentist at Community Health Centre, Canacona against vacant post.

Dr. Charlotte Anne Lobo will be on probation for a period of two years.

Dr. Charlotte Lobo has been medically examined and found fit by the Medical Board.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 10th October, 1994.

Order

No. 8/13/90-II/PHD

On recommendation of the Goa Public Service Commission vide its letter No. COM/II/11/30(1)/90 dated 30-9-1994, Government is pleased to promote Dr. (Mrs.) Frida Monteiro, Lecturer of Physiology to the post of Assistant Professor of Physiology in Goa Medical College, on regular basis, in the pay scale of Rs. 3000-100-3500-125-5000+NPA+Spl. pay of Rs. 100/- per month with immediate effect.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 17th October, 1994.

Department of Labour

Order

No. 28/34/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, and their workman Shri Bhaskar M. Pujari represented by A. C. G. Ltd., Workers Union, Honda, Satari Goa in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, in terminating the services of Shri Bhaskar M. Pujari, Operator, with effect from 8-1-93, is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 9th August, 1994.

Order

No. 28/30/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, and their workmen represented by A. C. G. L., Workers Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the demand for 20% Bonus for the accounting year, 1992-93, raised by the workmen employed at M/s. Automobile Corporation of Goa Ltd., Honda, Satari-Goa, who are represented by the A. C. G. L. Workers Union, is legal and justified?"

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 10th August, 1994.

Order

No. 28/25/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Cidade de Goa, Dona Paula-Goa and their workmen represented by Cidade de Goa Hotel Employees Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the demand of the workmen employed in M/s. Cidade de Goa, Vainguinim Beach, Dona Paula, Goa, for 20% Bonus for the accounting year, 1992-93, is legal and justified?"

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 10th August, 1994.

Order

No. 28/31/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Bardez Bazar Consumers Co-operative Society Ltd., Mapusa, Bardez, Goa, and their workman, Smt. Shilpa S. Shirodkar in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Bardez Bazar Consumers Co-operative Society Ltd., Mapusa, Bardez, Goa, in terminating the services of Smt. Shilpa S. Shirodkar, Packer, with effect from 1-2-94, is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 12th August, 1994.

Order

No. 28/26/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. A. Pastelaria, The Mandovi Bakers & Confectioners, Panaji-Goa, and their workmen represented by the Goa Trade and Commercial Workers' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. A. Pastelaria, The Mandovi Bakers & Confectioners, Panaji-Goa, in terminating the services of the following workmen with effect from 30-1-94 is legal and justified?"

(1) Anand Kuncollikar,	Skilled Baker
(2) Peter Fernandes,	Semi-skilled Baker
(3) Mahadeo Rosario,	Helper/Cleaner
(4) Gabriel Baptista,	Sales Assistant cum Cashier
(5) Francis D'Souza,	Accounts Clerk
(6) Diogo Mendonca,	Semi-skilled Baker
(7) Anthony Almeida,	Sales Assistant cum Cashier
(8) Francis Lobo,	Accounts Assistant
(9) George Almeida,	Skilled Baker
(10) Cajetan Mendez,	Sales Assistant cum Cashier
(11) Daril Rodrigues,	Sales Assistant cum Cashier
(12) Ramesh Bomkar,	Helper/Cleaner
(13) Vilas K. Sawant,	Helper/Cleaner
(14) Shyam Gauns,	Helper/Cleaner
(15) Sarita Volvoikar,	Sales Assistant cum Cashier
(16) Naguesha Gauns,	Helper/Cleaner
(17) Ghaneshyam Kundaikar,	Helper/Cleaner
(18) Vishnu Gauns,	Helper/Cleaner
(19) Ganeshyam Kuncollikar,	Helper/Cleaner
(20) Anant Martis,	Helper/Cleaner
(21) Narcinv Kuncollikar,	Semi-skilled Baker
(22) Narendra Kuncollikar,	Helper/Cleaner
(23) Narayan Vernekar,	Helper/Cleaner
(24) Kashinath Kuncollikar,	Semi-skilled Baker
(25) Chandrakant Salekar,	Semi-skilled Baker
(26) Sebastiao Vales,	Skilled Baker
(27) Lawrence D'Souza,	Skilled Baker
(28) Pramod Bhonsle,	Supervisor cum Storekeeper
(29) Richard Andrade,	Semi-skilled Baker
(30) Bonifacio Rodrigues,	Semi-skilled Baker
(31) Ramesh Gauns,	Helper/Cleaner
(32) Shivappa Pujari,	Helper/Cleaner
(33) Jacinto Dias,	Helper/Cleaner
(34) Govind Bhandare,	Helper/Cleaner

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 12th August, 1994.

Order

No. 28/21/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Dhanalakshmi Shipping Pvt. Ltd. and their workman Shri Gokuldas M. Sawant, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Dhanalakshmi Shipping Pvt. Ltd., Vasco, in terminating of services of Shri Gokuldas M. Sawant, with effect from 1-11-1988, is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 12th August, 1994.

Order

No. 28/28/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda-Satari, Goa, and their workman Shri Somnath R. Naik, represented by the A. C. G. Ltd. Workers Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the enquiry held by the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, into the charges levelled against the workman, Shri Somnath R. Naik, is fair and proper?"

"Whether the action of the management of M/s. Automobile Corporation of Goa Ltd., Honda, in terminating the services of Shri Somnath R. Naik, workman, with effect from 24-2-93, is legal and justified."

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 16th August, 1994.

Order

No. 28/33/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda-Satari, Goa, and their workman Shri M. S. Kerkar, represented by the A. C. G. Ltd. Workers Union, Honda, Satari, Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Automobile Corporation of Goa Ltd., Honda-Satari, Goa, in terminating the services of Shri M. S. Kerkar, Operator, with effect from 27-11-92, is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 16th August, 1994.

Order

No. 28/29/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda-Satari, Goa, and their workman Shri Y. R. Parab represented by the A. C. G. Ltd. Workers Union, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, in terminating the services of Shri Y. R. Parab, workman, with effect from 24-2-93 is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 17th August, 1994.

Order

No. 26/2/82-LAB

Read: 1) Government Order No. 26/2/82-LAB dated 9-4-1992.

2) Government Order No. 26/2/82-LAB dated 12-7-1993.

The deputation period of Dr. Pradeep R. Padwal as Medical Inspector of Factories in the Inspectorate of Factories and Boilers is extended for a further period of one year i. e. with effect from 1-7-1994 or till the post is filled in, whichever is earlier, on standard terms of deputation. On expiry of his extended terms his services are placed at the disposal of the Public Health Department.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 22nd August, 1994.

Order

No. 28/40/89-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Industries and Labour).

Panaji, 22nd August, 1994.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/60/89

Workmen

— Party I

V/s

M/s. G. N. Agarwal

— Party II

Party I represented by Shri R. D. Mangueshkar.

Party II represented by Shri S. V. Cuncolienker.

Panaji, dated: 7th July, 1994.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Government of Goa, by its Order No. 23/40/89-LAB dated 25th August, 1989 has referred the following issue for adjudication by this Tribunal.

"Whether the following demands raised by the Goa Mining Labour Welfare Union before the management of M/s. G. N. Agarwal are justified?"

2. The schedule is appended with as many as 10 demands for (I) Revision of pay scale, (II) Flat rise and Fitment, (III) Seniority Increment, (IV) Variable Dearness Allowance (VDA), (V) House Rent Allowance, (VI) Medical Allowance, (VII) Washing Allowance, (VIII) Meal Allowance, (IX) Uniforms and (X) Leave Facilities.

3. On receipt of this reference, a case under No. IT/60/89 was registered and notices were issued to both the parties. The Party I-Workmen (hereinafter referred to as 'workmen') filed its statement of claim which is at Exb. 2. The Party II-Employer (hereinafter referred to as 'Employer') filed his written statement resisting the demands made by the workmen and the said written statement is at Exb. 3. On the pleadings of the parties, issues were framed which are at Exb. 5. Thereafter, the matter was posted for evidence of the parties.

4. On 4-7-94, Shri R. Mangueshkar representing the workmen filed an application dated 4-7-94 along with the Memorandum of Settlement which is at Exb. 9. Since the matter was already posted for appearance on 7-7-94, the said application was fixed for hearing on 7-7-94. In the said application, it was stated that the matter was settled between the parties on 7th March, 1994 and in view of the settlement, the workmen desired to withdraw the reference. One of the terms of the settlement was that the workmen will withdraw the above reference, wherein the workmen had raised the charter of demands. On 7-7-94 when the matter came up for hearing, Shri S. V. Cuncolienker representing Party II agreed that there was a settlement between the parties, as stated in the application at Exb. 9 and gave his no objection for withdrawal of the reference by the workmen.

5. In view of the above, the application dated 4-7-94 filed by the workmen is allowed and I pass the following order.

ORDER

The reference stands disposed off as withdrawn. There shall be no order as to costs.

Inform the Government accordingly.

Sd/-
(Ajit J. Agni)
Presiding Officer
Industrial Tribunal

Order

No. 28/20/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Majorda Beach Resort and the Majorda Employees Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether S/Shri Moses Vaz and Dunstan D'Costa employed as Captain and Shift-in-charge respectively by the management of M/s. Majorda Beach Resort, Majorda, Goa, are workmen as per section 2 (s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

If so, whether the action of the management of M/s. Majorda Beach Resort, Majorda, Goa, in terminating the services of S/Shri Moses Vaz, Captain and Dunstan, D'Costa, Shift-in-charge with effect from 20-12-93 is legal and justified?

If the answer to (2) above is negative, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 23rd August, 1994.

Order

No. 28/36/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari Goa and their workman Shri Narayan R. Pethkar, represented by A. C. G. Ltd. Workers Union, Honda, Satari, Goa in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Automobile Corporation of Goa Ltd., Honda, Satari, Goa, in terminating the services of Shri Narayan R. Pethkar, Operator, with effect from 8-1-93, is legal and justified?

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 23rd August, 1994.

Order

No. 28/MISC/AWARDS/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 31st August, 1994.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(Before Shri A. J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/1/88

Shri Sabino Dias,
Rep. by Goa Trade &
Commercial Workers Union,
Velho's Building,
Panaji-Goa.

— Workman/Party I

V/s

M/s. Keserval Beverages Ltd.
Bethora, Ponda-Goa.

— Employer/Party II

Shri Sabino Dias

— Workman, present in person.

Adv. G. K. Sardessai is representing Party II/Employer.

Panaji, dated: 2-8-1994.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by its order No. 28/87-ILD dated 6th Jan., 1988 has referred the following issue for adjudication by this Tribunal.

"Whether the action of the management of M/s. Keserval Beverages Limited, Bethora, Ponda-Goa, in terminating the services of Shri Sabino Dias, Stores Asstt. with effect from 20-4-1987 is legal and justified?

If not, what relief the workman is entitled to?"

2. On receipt of the said reference a case under No. IT/1/88 was registered and notices were issued to both the parties. Party I-Workmen (For short 'Union') filed its statement of claim which is at Exb. 4. In the said statement of claim, the Union contended that Shri Sabino Dias was working with party II-Employer (For short 'Employer') as Stores Assistant from 1972 on a monthly salary of Rs. 1550/-. The said Sabino Dias was issued a charge sheet dated 12-7-86 on the ground of acts of various misconducts on his part. He was charge sheeted along with six other workers. The contention of the Union is that Shri Dias was implicated falsely with a view to victimise him for his trade union activities. Subsequent to the charge sheet, ex-parte enquiry was held and the inquiry officer held him and the others guilty of clause 21 (XIII), (XIII), (XXXIX) and (XLIV) of the Standing Orders. On receipt of the report from the Inquiry Officer, the Employer dismissed all workmen including Shri Dias except one Shri Mastana Kalifa. However, thereafter, the employer withdrew the dismissal order in respect of the other workmen who were dismissed and reinstated them, except Shri Sabino Dias. Thus, according to the Union the punishment of dismissal imposed on Shri Dias is highly discriminatory, unjust as well as dis-proportionate. The Union therefore prayed for reinstatement of Shri Dias with full back wages and continuity in service.

3. The Employer filed its written statement which is at Exb. 5. The Employer contended that there had been acts of disobedience and defiance of the orders of the superiors by the workmen as a result of which production was affected. The indiscipline reached climax when Mr. E. U. Verma, Distillery Manager, was brutally assaulted by the workmen. Shri Dias was one among the workers who were involved and therefore he was issued charge sheet dated 12-7-86 listing the various offences committed by him. The employer stated that the workmen remained absent in the course of the enquiry inspite of the opportunity given and further denied that the enquiry was not fair and proper. The Employer further contended that the Union could not complain about the discrimination, in view of the clear agreement between the parties. The Employer therefore submitted that Shri Dias was not entitled for reinstatement.

4. Thereafter issues were framed by my learned predecessor based on the pleadings and the matter was posted for evidence of the Union. On 13-7-94, Adv. G. K. Sardesai representing the Employer appeared along with the workman Shri Dias and stated that there was already a settlement arrived at between Shri S. Dias and the Employer and filed the memorandum of settlement dated 13-7-94 which is at Exb. 9 and an application praying for award in terms of the settlement which is at Exb. 10. Since Shri Dias was represented by the Union, notice was issued to the Union for its say on the settlement and the matter was fixed on 38-7-94. On the said date, though the Union was duly served, none appeared on behalf of the Union. Shri S. Dias remained present in person and stated that he was to proceed abroad in the first week of Aug., 1994 and stated that the matter may be disposed off in terms of the settlement. I have gone through the terms of the settlement arrived at between Shri Sabino Dias and the Employer. The said terms of settlement are signed before the Notary of Panaji, Shri Ashok S. Mashelkar on 13-7-94. I have also confirmed from the workman Shri Dias as regards the settlement and he admitted of having signed the settlement dated 13-7-94 and admitted his signature on the said settlement, Exb. 9. Shri Sabino Dias confirmed his signature on the application dated 13th July, 1994 - Exb. 10 praying for an award in terms of the settlement. On going through the terms of settlement, I have found that the settlement is in the interest of the workman Shri Sabino Dias. In view of this, I accept the submissions made by both the parties and pass the consent award in terms of the settlement.

ORDER

(1) The Employer shall pay to the workman a sum of Rs. 11808.50 (Rupees eleven thousand eight hundred eight and paise fifty only) vide

Cheque No. 326604 dated 13-7-94 in full and final settlement of his Gratuity dues and Rs. 69478.10 (Rupees sixty nine thousand four hundred seventy eight & paise ten only) vide Cheque No. 326603 dated 13-7-94 in full and final settlement of his ex-gratia payment.

(2) The workman undertakes to file necessary applications with the Provident Fund Authorities for the purpose of claiming his provident fund dues lying at PF Account No. 9930/07. The Employer agrees to make necessary endorsements on the PF Applications of the workman to enable him to withdraw the amount lying in his PF Account.

(3) In view of clause (1) & (2) above the workman admits that no further legal dues of whatsoever nature are due and payable to him by the Employer and that all his legal dues are conclusively settled by the Employer and agree not to file any claims whatsoever against the Employer involving financial liability or otherwise.

(4) In view of the above, the workman agrees not to pursue the matter pending under Ref. No. IT/34/87 and agrees not to raise any dispute/demand in respect of his dismissal against the Employer or its representatives. The workman further agrees that he has no further interest/claim in respect of Ref. No. IT/9/87, Ref. No. IT/1/88 and IT/31/91 and that his interest/claim in this regard are dropped as settled.

(5) The workman agrees to the terms of settlement of his free will and without any coercion, fraud or misrepresentation by any person or authority.

No order as to costs. Inform the Government accordingly.

Sd/-
(Ajit J. Agni)
Presiding Officer
Industrial Tribunal.

Notification

No. 26/3/88-ILD-P. F.

Read: Government Notification No. 26/3/88-ILD dated 17-4-88.

In exercise of the powers conferred by section 20 of the Indian Boilers Act, 1923 (Central Act 5 of 1923), read with rules 58 and 59 of the Goa, Daman and Diu Boiler Rules, 1983, the Government of Goa hereby constitutes an Appellate Authority consisting of the following persons, namely:-

- | | |
|--|-------------|
| (1) Shri Ajit Jairam Agni,
Presiding Officer,
Labour and Industrial Tribunal. | — President |
| (2) Prof. M. N. Raikar,
Head of Mechanical Engineering
Department, Government Polytechnic
Panaji. | — Assessor |
| (3) Prof. A. P. Pednekar,
Head of Department,
Government Polytechnic, Panaji. | — do— |
| (4) Shri S. Kumar,
Deputy Director
Dock Safety, Vasco-da-Gama. | —do— |
| (5) Shri R. V. Nadkarni,
Chief Mechanical Engineer,
MPT, Mormugao. | —do— |
| (6) Shri C. G. Hede,
Chief Engineer, PWD, Panaji. | —do— |
| (7) Shri S. R. Sinkre,
Chief Engineer Electrical, Panaji. | —do— |

This supersedes Government Notification No. 26/3/88-ILD P. F. dated 17-4-88.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 23rd August, 1994.

Order

No. 28/46/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. A. Pastelaria, The Mandovi Bakers & Confectioners, Panaji, Goa, and their workmen represented by Goa Trade & Commercial Workers' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the demand of the Goa Trade and Commercial Workers' Union on behalf of the workmen employed in M/s. A. Pastelaria, The Mandovi Bakers & Confectioners, Panaji-Goa, for 20% Bonus for the accounting year, 1992-93 is legal and justified?

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 11th October, 1994.

Order

No. 28/45/94-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Hotel Fidalgo, Panaji and their workman Shri John Fernandes in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether Shri John Fernandes, Assistant Front Office Manager, M/s. Hotel Fidalgo, Panaji-Goa, is a workman under section 2 (s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?

If so, whether the action of the management of M/s. Hotel Fidalgo, Panaji, in terminating the services of Shri John Fernandes, Assistant Front Office Manager, with effect from 20-8-1993, is legal and justified?

If the answer to (2) above is negative, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 11th October, 1994.

Law (Establishment) Department

Order

No. 4-32-92/LD(ii)

Sanction of the Government is hereby conveyed to continue the ad hoc appointment of the following Public Prosecutors Group 'A' Gazetted in the pay scale of Rs. 2200-75-2800-EB-100-4000 in the Directorate of Prosecution, for a further period upto 31-12-94.

- 1) Shri Afonso Araujo, Public Prosecutor, Panaji.
- 2) Shri S. N. Sardesai, Public Prosecutor, Margao.
- 3) Shri G. V. Dhume, Public Prosecutor, Panaji.
- 4) Shri S. B. Faria, Public Prosecutor, Margao.

This issues with the approval of the Goa Public Service Commission, Panaji vide their office letter No. Com/II/11/16(1)/92 dated 6-9-94.

By order and in the name of the Governor of Goa.

Anthony Ferrao, Under Secretary (Law).

Panaji, 26th September, 1994.

Order

No. 1-24-84/LD

Read: Government Order No. 1-24-84/LD dated 29-6-87.

Government of Goa is pleased to include the following persons in the panel of Advocates constituted vide above mentioned Government Order date 29-6-87, for the purpose of appointment as Government Counsel in the District Courts and Subordinate Courts, in the State of Goa under the terms and conditions as prescribed by Government vide office Memorandum No. 1-24-84/LD dated 25-6-87.

Name of the persons:

- 1) Shri Ravindra R. Sangodkar,
Advocate, House No. E. 53/4
Livermint wado Sangolda,
Post Saligao, Bardez-Goa.
- 2) Shri T. G. Jaques,
Advocate, Old Market, Margao-Goa.
- 3) Shri Albino S. C. Vales,
42, 2nd floor, Apna Bazar,
Vasco-da-Gama,
403 802.
Telephone No. 511041.
- 4) Shri Ignatius C. Dias,
Advocate, 4th floor, Phase-I
6, Garden View Apartments,
Margao-Goa.
- 5) Shri F. B. Sinai Bhanngi,
Advocate, Costa Chambers,
Second floor, Near Matropole,
Margao-Goa. 403 601.
- 6) Shri Cleofato Almeida Coutinho,
Advocate, 3rd floor, Benlix Building,
Behind Fatima Convent,
Margao-Goa. 403 601.

They will be entitled to receive their fees as per the terms and conditions contained in Office Memorandum of even number dated 25-6-87 and as revised from time to time on submission of bills (in duplicate) to this Department attaching therewith the attendance Certificates issued by the respective Courts. The allotment of the briefs of the cases will be done by this Department.

By order and in the name of the Governor of Goa.

Anthony Ferrao, Under Secretary (Law).

Panaji, 28th September, 1994.

Order

No. 5/40/94/LD (Estt.)

Read: Order No. 5/40/94/LD (Estt.) dated 18-8-94.

The order referred to above may be treated as withdrawn.

By order and in the name of the Governor of Goa.

Anthony Ferrao, Under Secretary (Law).

Panaji, 28th October, 1994.

**Notification by the High Court of Judicature
Appellate Side, Bombay**

No. A. 1202/G/94

The Honourable the Chief Justice and Judges are pleased to accord ex-post-facto sanction to the commuted leave for 11 days from 2nd August, 1994 to 12th August, 1994 with permission to suffix on 13th, 14th & 15th August, 1994 being 2nd Saturday, Sunday and Holiday respectively, availed of by Shri A. D. Salkar, Additional District & Asstt. Sessions Judge, South Goa, Margao.

On return from leave Shri Salkar was reposted as Additional District & Asstt. Sessions Judge, South Goa, Margao.

Shri N. S. Kaissare, Additional District and Asstt. Sessions Judge was kept in charge of the District Court, Margao in addition to his own duties during the leave period of Shri Salkar from 2-8-1994 to 12-8-1994.

High Court, Appellate Side

G. D. Parekh

Bombay, 17th October, 1994.

Additional Registrar (Adm.)